IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WP(C).No. 25125 of 2006(S)

PETITIONER:-

NEETHI VEDHI,
M.T.C.BUILDING, KALPETTA NORTH P.O.,
WAYANAD-673 122, REP. BY ITS SECRETARY,
STEPHAN MATHEW.

BY ADV. SRI.JIJO PAUL
SRI.BABU S. NAIR

RESPONDENTS:-
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1. THE STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, WAYANAD.

3. THE KERALA AGRICULTURAL UNIVERSITY,
   REPRESENTED BY ITS REGISTRAR,
   VELLANIKKARA, THRISSUR.

4. THE DEAN,
   VETERINARY COLLEGE,
   POOKOTTU, VYTHIRI,
   WAYANAD DISTRICT.

R1 & R2 BY SENIOR GOVERNMENT PLEADER SMT.MEERA.
R3 & R4 BY STANDING COUNSEL SRI.RENJITH THAMPAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 - TRUE COPY OF THE MEMORANDUM OF ASSOCIATION OF THE PETITIONER.

EXT.P2 - TRUE COPY OF THE ORDER ISSUED BY THE FIRST RESPONDENT AS G.O.Rt.NO.3643/98/RD DATED 13.8.1998.

EXT.P3 - TRUE COPY OF THE MINUTES OF THE MEETING CONVENED BY THE DISTRICT COLLECTOR.

EXT.P3(a) - TRUE ENGLISH TRANSLATION OF EXHIBIT P3.

EXT.P4 - TRUE COPY OF THE COMMUNICATION DATED 17.7.2006 ISSUED BY THE DISTRICT COLLECTOR TO THE 3RD AND 4TH RESPONDENTS.

EXT.P4(a) - TRUE ENGLISH TRANSLATION OF EXHIBIT P4.

EXT.P5 - TRUE COPY OF THE PROCEEDINGS OF THE 3RD RESPONDENT DATED 1.6.2001.

EXT.P6 - TRUE COPY OF THE ORDER NO.GAF2/21270 DATED 30.6.2007 ISSUED BY THE 3RD RESPONDENT.

EXT.P6(A) - TRUE ENGLISH TRANSLATION OF EXHIBIT P6.

EXT.P7 - TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT AS NO.EST/307/2007 DATED 7.7.2007.

EXT.P7(a) - TRUE ENGLISH TRANSLATION OF EXHIBIT P7.

EXT.P8 - TRUE COPY OF THE APPLICATION SUBMITTED BY ONE MR.N.N.SURESH BABU DATED 3.4.2007 UNDER SECTION 6 OF THE RIGHT TO INFORMATION ACT,2005.

EXT.P9 - TRUE COPY OF THE COMMUNICATION NO.GA/D1/12675/07/L.DIS. DATED 11.4.2007 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:-

EXT.R3(a) - COPY OF THE LIST SHOWING THE DETAILS OF 42 PERSONS.

EXT.R3(b) - COPY OF THE G.O.(MS).NO.73/79/AD DATED 17.2.1979 REFERRED TO IN EXT.P2 G.O.

EXT.R3(c) - COPY OF THE NO.M6-11200/96 DATED 25.9.97 OF THE DISTRICT COLLECTOR, WAYANAD.

EXT.R3(e) - TRUE COPY OF THE MINUTES DATED 10.09.97.

EXT.R3(f) - TRUE COPY OF THE MINUTES DATED 6.7.2006.

- TRUE COPY -

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.P.(C).No.25125 of 2006-S

Dated, this the 24th day of July, 2007

JUDGMENT

H.L.Dattu,C.J.

Petitioner is a registered non-governmental organisation engaged in social works especially among the backward Adivasi community in Wayanad. The aims and objectives of the petitioner's organisation is to provide legal aid to the poor and the needy people. They have asserted in the writ petition that they have taken up several causes in public interest and is a pioneer organisation in the forefront of doing service to Adivasi community. The object of the organisation appears to be very laudable object. We do appreciate the yeoman service that is being done by the petitioner organisation.

(2) It appears, the State Government had transferred 100 acres of land in Kunnathidavaka Village by its order dated 13.8.1998 to the 3rd respondent - Kerala Agricultural University. By the aforesaid order, the Government had sanctioned the transfer of the said lands which was in the possession of Pookottu Dairy Project to the University. There were two conditions in the sanction order passed by the State Government. They are:

> "(i) Appointment of farm labourers in the farm attached to the College will be made from the members of the families settled in Pookottu Dairy Project.
>
> (ii) While making appointment to the posts in the College, the qualified persons of these families will be given priority".

(3) Since the 3rd respondent University did not comply with the conditions imposed by the State Government while granting/sanctioning the transfer order dated 13.08.1998, the petitioner organisation, after making

repeated representation before all responsible persons, as a last resort, has approached this Court for the following reliefs:

> "(i) Issue a writ of mandamus or any other appropriate writs, orders of directions directing the respondents to give preferential appointments to the post of farm labourers from the members of the families settled in Pookottu Dairy Project as mandated in Exhibit P2;
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> (ii) Issue a writ of mandamus or any other appropriate writs, orders of directions directing the 3rd and 4th respondents not to appoint any person from outside without appointing all eligible members of the families settled in Pookottu Dairy Project as mandated in Exhibit P2;
>
> (iii) Issue a writ of mandamus or any other appropriate writs, orders of directions directing the 3rd and 4th respondents to get the 26 houses, constructed for the residential purpose of Adivasi families displaced for the purpose of the Agricultural University, evicted and further to direct them to hand the houses over to the evicted families forthwith;
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> (iv) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case".

(4) After entertaining the writ petition, we had issued notices to the State Government as well as to the 3rd respondent University.

(5) Learned counsel appearing for the University has filed his counter affidavit before this Court.

(6) At the time of hearing of the writ petition, the learned counsel appearing for the University would submit that after the filing of this writ petition, the University has offered and appointed one of the members of the displaced Adivasi families as a temporary employee (farm labourer) in the University. In support of that contention, the letters of appointment issued to the members of the 25 Adivasi families is produced before us. We are satisfied with the statement made by the learned counsel appearing for the University.

(7) The learned counsel appearing for the University has filed an affidavit of the Registrar of the University indicating that the Executive

Committee of the University in its meeting held on 21.7.2007 has granted sanction to handover a sum of Rs.19.5 lakhs to the Chairman of the Tribal Mission, Wayanad, who is none other than the District Collector of the district, and submit that the University has done all that requires to be done under the sanction order passed by the State Government dated 13.8.1998.

(8) After going through the affidavit filed by the University, we are satisfied again by the statements made by the counsel for the University. We only, at this juncture, wish to issue a direction to the Executive Committee of the University to handover a sum of Rs.19.5 lakhs to the Chairman of the Tribal Mission, Wayanad within three months' time from today.

(9) After receipt of the aforesaid sum from the Executive Committee of the University/Registrar of the University, the District Collector, Wayanad, who is the Chairman of the Tribal Mission, shall construct 25 houses in the lands allotted to the displaced Adivasi families and then handover the same to the said families as provided under the Government Order.

(10) With these observations and directions, the writ petition is disposed of.

(11) The prayer made in I.A.No.9888 of 2007 to accept additional documents is allowed and the further prayer made in that application is rejected.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-